

Judiciary Committee

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JUDICIARY COMMITTEE

LEGISLATION ENACTED

serious offenses; consecutive sentencing (S.B. 1020) – Chapter 20

Requires consecutive sentencing for a felony offense that is committed while the person is under the jurisdiction of the Arizona Department of Corrections.

Arizona criminal justice commission; continuation (S.B. 1039) – Chapter 21

Retroactive to July 1, 2007, continues the Arizona Criminal Justice Commission until July 1, 2017.

notification; breach of security system (S.B. 1042) – Chapter 23

Allows federal law enforcement agencies to delay notification of a business' compromised security if notification will impede a criminal investigation.

theft; means of transportation; affidavit (S.B. 1043) – Chapter 24

Requires a person who alleges vehicle theft to sign an affidavit provided by law enforcement and, if the report is not taken in person, to return a notarized affidavit to the law enforcement agency within seven days. Requires the affidavit to state that a person who falsely reports vehicle theft may be subject to criminal prosecution. Requires the stolen vehicle report to be removed from the National Crime Information Center and the Arizona Criminal Justice Information System if the law enforcement agency does not receive the affidavit within 30 days of the initial report.

arbitration; claims; compensation (S.B. 1054) – Chapter 142

Allows the superior court by rule to increase: 1) the maximum amount in dispute, from \$50,000 to \$65,000, that must be submitted to arbitration and 2) the maximum allowed daily pay of an arbitrator from \$75 to \$140. Requires the deposit for a trial de novo to be refunded to the appellant if the new judgment is at least 23 percent, rather than 25 percent, more favorable than the original arbitration award.

aggravated assault (S.B. 1084) – Chapter 47

Makes technical revisions to the aggravated assault classifications.

liquefied petroleum gas; limited liability. (S.B. 1106) – Chapter 152

Limits the civil liability of a liquefied petroleum gas provider (provider) to the amount of damages proportionate to the provider's percentage of fault. A provider is not civilly liable for the amount of damages allocated to fault attributed to an unforeseen or undiscoverable alteration or modification of liquefied petroleum gas equipment by a person other than the provider or the unanticipated use of the equipment if the consumer was warned of the dangers of misusing the equipment.

JUDICIARY COMMITTEE (Cont'd.)

appellate proceedings; victim notification; continuation (S.B. 1126) – Chapter 49

Makes permanent a law passed in 2005 that allows a victim to respond to a party's request for an extension of time to file a brief for an appellate proceeding or a postconviction relief proceeding in a capital case.

competency reports; disclosure (S.B. 1130) – Chapter 134

Authorizes the court to open sealed juvenile and adult competency reports for the purposes of assessment and supervision or monitoring by the Arizona Department of Corrections (ADC), if the juvenile or adult is in the custody of or will be transferred into the custody of ADC.

bad checks; classification (S.B. 1134) – Chapter 282

Classifies bad check writing in the amount of \$5,000 or more as a class 6 felony if the full amount of the check, including any interest and applicable fees, is not paid within 60 days of receiving notice. Allows for the prosecution of criminal offenses in addition to bad check writing, if applicable.

criminal case information; disclosure (S.B. 1167) – Chapter 192

Beginning January 1, 2008, requires the clerk of the court in a county with a population of two million or more to publish online all superior court criminal case minute entries, searchable by case name, number and the name of the judge or commissioner. Beginning January 1, 2010, requires the clerk of the court in a county with a population of less than two million to publish online all superior court criminal case minute entries, searchable by case name, number and the name of the judge or commissioner.

global position system monitoring; committee (S.B. 1231) – Chapter 54

Establishes the 13-member Joint Legislative Study Committee on Global Position System (GPS) Monitoring (Committee) to study issues relating to GPS monitoring of persons convicted of dangerous crimes against children. Requires the Committee to report its findings and recommendations to the Governor and the Legislature by December 1, 2008, and repeals the Committee on October 1, 2009.

concealed weapons permit; renewal. (S.B. 1250) – Chapter 35

Beginning January 1, 2008, removes the fingerprint requirement to renew a concealed weapon permit.

~~VOIP service; emergency telecommunication services~~ (NOW: bailable offenses; illegal immigration) (S.B. 1265) – Chapter 289

Establishes procedures to determine the citizenship of a person charged with nonbailable offenses. Specifies, if a person has been charged with a serious felony offense, probable cause as the burden of proof to determine if a person has entered or remained in the U.S. illegally. Specifies that the initial determination of whether certain offenses are bailable is made at the initial appearance. Specifies notice requirements for victims and witnesses.

JUDICIARY COMMITTEE (Cont'd.)

victims' rights omnibus (S.B. 1286) – Chapter 290

Modifies restitution procedures as follows: 1) requires adult probation officers to monitor the payment of restitution; 2) requires the clerk of the court to provide monthly notification if the defendant defaults on the restitution payment; and 3) increases the time the court may extend a person's probation term for failure to satisfy restitution. Beginning, January 1, 2008, modifies the language on an order of protection. Requires reasonable notification efforts to the victim and other designated persons immediately upon release of a person arrested for violating an order of protection. Establishes victim notification guidelines and court procedures for continuance motions. Requires the court to provide a victim a free copy of the minute entry or portion of the record of any proceeding reasonably necessary to pursue a claimed victim's right. Requires redaction of a victim's contact and identifying information in publicly accessible records, with exceptions. Requires the victim's consent for a crime victim advocate to disclose victim information with others in order to provide services. Requires, beginning December 1, 2007, the Supreme Court or Court of Appeals to give to a victim or victim's counsel who requests notice of all postconviction proceedings a copy of a memorandum decision or opinion concurrently with the parties. Repeals the law that allows the continuation of a victim to respond to a request for an extension to the time frame for filing a brief in any appellate proceeding or postconviction relief proceeding in a capital case.

~~statute of limitations; DNA evidence~~ (NOW: concurrent jurisdiction; Barry Goldwater range (S.B. 1326) – Chapter 197

Grants, through December 31, 2017, concurrent criminal jurisdiction of the Barry M. Goldwater Range to the United States effective on the completion of a memorandum of understanding with the county sheriff of the territory that addresses lead investigative agency responsibilities on specific crimes and other coordinating matters.

criminal justice commission; powers; duties (S.B. 1331) – Chapter 163

Makes numerous technical changes to the Arizona Criminal Justice Commission's (ACJC) enabling statutes, including requiring ACJC to facilitate research and data exchange among criminal justice agencies, changing, from annual to biennial, the Criminal Justice Information System (System) review report requirement, and gathering information on programs regarding crime prevention as well as alcohol and drug abuse prevention, education and treatment. Returns the System database functions to the Department of Public Safety (DPS) and outlines DPS' responsibilities in maintaining the System.

shoplifting; continuing criminal episode (S.B. 1333) – Chapter 164

Creates an additional presumption of a person's necessary culpable mental state to commit shoplifting if the person uses an artifice, instrument, container, device or other article to facilitate shoplifting. Removes the provision that shoplifting having entered a mercantile establishment with an artifice is a class 4 felony. Redefines a "continuing criminal episode" as theft of property with a value of \$1,500 or more if the theft is committed during at least three separate incidences within a period of 90 consecutive days with the intent to resell the property.

elections; primary date; early voting (S.B. 1430) – Chapter 168

Changes elections law by: 1) expanding by one week the time between a primary election and a general election; 2) requiring a person to file a nomination paper 50 days, rather than 40 days,

JUDICIARY COMMITTEE (Cont'd.)

before the presidential preference election; 3) extending by 11 days the time for a person to vote early and request an early ballot; and 4) decreasing to 23 days next preceding the Saturday before the election to mail the early ballot.

juries; commissioner duties; juror selection (S.B. 1434) – Chapter 199

Beginning January 1, 2008, changes jury trial procedures by providing for all of the following. Specifies the jury commissioner duties. Details juror qualifications and summoning. Expands the jury manager requirements. Specifies that juror summoning procedures must be constitutional and approved by the Supreme Court and any proposed alternative juror summoning procedures may consider juror distance and travel as long as the procedures are countywide, constitutional and include a fair cross section of the community. Specifies disclosure and dissemination restrictions of juror records containing biographical information and the jury box seating list. Allows programming to ensure random selection procedures for use by the courts throughout the juror selection process. Specifies that a jury commissioner or jury manager responsibilities include the determination of a person's qualification for jury service, excuses and postponements.

psychiatric security review board (S.B. 1482) – Chapter 138

Requires, for a person found guilty except insane, the court to first sentence the defendant to a term of incarceration under the Arizona Department of Corrections (ADC) before the defendant is placed under the jurisdiction of the Psychiatric Security Review Board (Board) and committed to a state mental health facility. The court retains jurisdiction of all matters not specifically delegated to the Board. Requires the Board, with consideration of the safety and protection of the public, to transfer the person to ADC for the remainder of the sentence upon determination that the person sentenced pursuant to a dangerous and repetitive offense no longer needs ongoing treatment for a mental disease but is dangerous or has a propensity to reoffend. Allows a person transferred to ADC to file a petition for a judicial determination after the Board orders the transfer and specifies the person requesting the judicial determination has the burden to prove by clear and convincing evidence that the person no longer needs ongoing treatment for a mental disease and the person is not dangerous or has a propensity to reoffend.

residency restrictions; schools; child care (S.B. 1555) – Chapter 212

Prohibits a person convicted of a dangerous crime against children (DCAC) who is required to register as a level 3 sex offender from residing within 1,000 feet of a school or a child care facility, unless the person: 1) establishes residency before the restrictions are enacted or before a new school or child care facility is built; 2) is a minor; 3) is serving probation; 4) has had the person's civil rights restored; or 5) has not been convicted of a subsequent offense in the previous ten years, excluding any time of incarceration. Prohibits a county, city or town from enacting an ordinance that creates distance restrictions greater than 1,000 feet. A person who violates the residency restrictions is guilty of a class 1 misdemeanor.

prisoners; restitution payments (S.B. 1619) – Chapter 140

SEE APPROPRIATIONS COMMITTEE.

JUDICIARY COMMITTEE (Cont'd.)

elections; manual audit revisions (S.B. 1623) – Chapter 295

Changes election law regarding the random selection hand counting procedure for each countywide primary, general and presidential preference election. Creates criminal penalties for a person who knowingly substitutes, forges, counterfeits or tampers with ballot tabulations or totals or election results by electronic or computer means and a person who unlawfully releases early ballot vote tallies or possesses an early ballot tally sheet without authorization. Establishes procedures for the live video recording and transmission of ballot tabulation for statewide, county or legislative elections, contingent on legislative appropriation.

~~state employees; recognition; technical correction~~ (NOW: material witness; release; detention; deposition) (H.B. 2016) – Chapter 178

Allows the temporary detainment of a person whose testimony is material to a criminal proceeding involving human smuggling if it is shown that it may become impracticable to secure the presence of the person because of the person's immigration status. Prohibits detainment of a witness for more than 24 hours unless a prescribed affidavit is filed with the court and disallows detainment because of the inability of the witness to comply with any condition of release if the testimony of the witness can be secured adequately by deposition and further detention of the witness is not necessary to prevent a failure of justice. Permits the release of a material witness to be delayed for a reasonable period of time until the deposition of the witness can be taken and allows the immediate release of a material witness after signing the deposition under oath, waiving the signature or otherwise affirming the factual accuracy of the matters set forth in the deposition. Allows juvenile and adult material witnesses to be separately detained from charged or convicted persons. Permits the examination of the material witness who is not the defendant or the victim and allows the witness to be detained for up to seven days after entry of the order unless at any time during the detainment it becomes reasonably feasible to conduct the examination. Allows a deposition to be admitted as evidence at the trial or any pretrial proceeding in accordance with the Constitution and the Arizona Rules of Criminal Procedure.

~~constables; technical correction~~ (NOW: critical infrastructure information; penalty) (H.B. 2067) – Chapter 223

Redefines critical infrastructure information (CII) and assigns a class 5 felony to any state or local governmental employee and any entity who knowingly publishes, divulges, discloses or makes known any CII that the person knows is protected from disclosure.

writ of restitution; criminal trespass (H.B. 2077) – Chapter 111

Specifies that a defendant commits criminal trespass in the third degree if the defendant has been served with a writ of restitution but remains in or returns to the dwelling unit, mobile home space or recreational vehicle space, without the express permission of the owner. Requires the court to give notice to a defendant that this is third degree criminal trespass. Prohibits a defendant's social security number from being contained on the judgment.

~~campaign finance; technical correction~~ (NOW: ballots; permanent early voting) (H.B. 2106) – Chapter 183

Changes election law with regard to filing dates for: 1) the nomination paper in a presidential preference election (PPE) and for write-in candidates in a special district election; 2) the time frame

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of PPE early voting and the deadlines to request an official early ballot; and 3) the list of PPE candidates who have qualified for the presidential preference ballot to be sent to absent uniformed services voters or overseas voters.

Requires, upon application or written request, the county recorder or other officer in charge of elections to maintain a permanent early voting list (list). Requires the county recorder or other officer in charge of elections to: 1) compare the signature on the voter request form with the voter's signature on the registration form; 2) mail to all eligible voters on the list an election notice by nonforwardable mail that is marked to receive an address correction notification along with return postage prepaid; 3) take the necessary steps to contact a voter if the election notice is returned undeliverable and to move the voter to inactive status; and 4) automatically mail an early ballot unless the voter requests removal from the list, the voter is on inactive status or the election notice is returned undeliverable and the voter is unable to be contacted. Specifies procedures for a voter on the list who is not a registered member of a recognized political party to receive an early ballot for the primary election. Requires that a ballot not be mailed to a voter who has made a request not to receive a ballot and the voter's name to be removed from the list upon a voter's written request.

unlawful sexual conduct involving prisoners (H.B. 2342) – Chapter 248

Beginning June 13, 2007, expands the list of those who commit unlawful sexual conduct by engaging in any act of a sexual nature with an offender who is in the custody of a correctional facility and defines "any act of a sexual nature."

Requires the sentence imposed on a person convicted of sex trafficking to be consecutive to any other sentence imposed on the person.

Expands the definition of "prostitution" to include money or any valuable consideration as a fee arrangement. Specifies a probation term and presumptive, aggravated and mitigated terms of imprisonment for a person convicted of child prostitution with a minor who is 15, 16 or 17 years of age.

Classifies luring a minor for sexual exploitation as a dangerous crime against children and specifies a presumptive term of imprisonment based on a previous conviction of a predicate felony.

Increases the time period to determine if driving under the influence of intoxicating liquor or drug offenses constitutes a historical prior felony conviction.

juvenile graffiti; monetary assessment (H.B. 2344) – Chapter 124

Requires the court to order a juvenile who has been adjudicated delinquent for a violation of criminal damage involving graffiti to pay a fine of at least \$300 but not more than \$1,000, following payment of restitution to the victim. Permits the court to order the juvenile to perform community restitution, for all or part of the fine, to be credited at a rate of \$10 per hour.

~~residential contractors' recovery fund~~ (NOW: expenditure limitation election) (H.B. 2392) – Chapter 241

Permits a city or town with a population of 350,000 or more that must hold an expenditure limitation election in 2007 or 2008 to hold the election on specified dates; this will allow the City of Mesa to hold its expenditure limitation election in the spring of 2008. Requires, if the city or town

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fails to hold the expenditure limitation election on the specified dates, the city or town to hold its next election to adopt, renew or extend an expenditure limitation or a base limit adjustment at the next regularly scheduled governing board election. Requires, if the city or town fails to comply, the Auditor General to notify the State Treasurer by January 1, 2012, to withhold a specified portion of state income tax revenue sharing from the city or town.

concealed weapons; petty offense (H.B. 2469) – Chapter 45

Reduces to a petty offense the penalty for a person with a concealed weapon permit who, when carrying the concealed weapon, fails to present the permit when requested by a law enforcement officer.

~~justice courts; concurrent jurisdiction limits~~ (NOW: capitol police compensation) (H.B. 2474) – Chapter 129

Requires a Capitol Police officer to be compensated for each hour worked in excess of 40 hours in one work week. Clarifies that members of the Arizona Department of Administration Capitol Police Reserve are eligible for workers' compensation except when employed by someone other than the state and specifies the basis for computing compensation.

clean elections; amendments (H.B. 2690) – Chapter 277

Changes election law by updating and increasing contribution limits. Changes clean elections law as follows: 1) increases the primary election spending limits of the candidates for statewide office; 2) exempts a nonparticipating candidate from filing expenditure reports if unopposed by a participating candidate; 3) repeals the annual lobbyist fee, which was declared unconstitutional; 4) changes the verification process for qualified reporting slips; 5) reduces a participating candidate's payment and deducts expenditures from an independent or nonparticipating candidate by specified factors in the primary and general election periods; 6) requires the return of clean elections monies and assets by a participating candidate who does not qualify for the primary election ballot; 7) modifies the vacancy procedures for Clean Elections Commissioner positions; and 8) makes changes to the use of a reporting system, the filing of external complaints and the Citizens Clean Election Commission (Commission) rulemaking. Contains a nonseverability clause that specifies that if any portion of this act is finally adjudicated invalid, the entire act is void. Portions of the bill concerning qualification for clean campaign funding, return of monies to the Citizens Clean Elections Fund, spending and contribution limits, lobbyist fee, equal funding of candidates, the Commission, voter education and enforcement duties, filing and definitions are subject to the requirements for enactment for initiatives and referendums (Proposition 105), which require the affirmative vote of at least three-fourths of the members of each house of the Legislature.

sex offenders; registration; electronic identity (H.B. 2734) – Chapter 84

Requires persons registered as sex offenders to also register with the Department of Public Safety (DPS) any online identifier and the name of any website or other Internet service where the identifier is used and to notify the county sheriff within 72 hours, excluding weekends and legal holidays, after changing any required online identifier and before using it online. Requires DPS to maintain a separate database and search function on its website that contains any required online identifier of persons who are registered as level 2 or 3 sex offenders and the name of any website on which the identifier is used. Allows DPS to share online identifier information with a business or organization that provides electronic communication services to determine if a registered sex

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offender's online identifier is being used on the organization's website. Becomes effective on January 1, 2008.

justice courts; collocation prohibition (NOW: justices of the peace; jurisdiction) (H.B. 2750) – Chapter 131

Gives justice of the peace (JP) courts exclusive original jurisdiction of all civil actions of \$10,000 or less; eliminates the concurrent original jurisdiction between the JP courts and superior courts for civil actions between \$5,000 and \$10,000. Stipulates that in a county with a population greater than two million persons, the JP has original jurisdiction over: 1) actions involving \$10,000 or less; 2) small claims; 3) civil traffic offenses, unless filed in a municipal court; 4) special detainers and forcible detainers, if the amount of rent requested is \$10,000 or less; and 5) misdemeanors, unless filed in a municipal court or consolidated with a felony offense.

criminal justice; budget reconciliation (NOW: budget reconciliation; criminal justice) (H.B. 2787) – Chapter 261

SEE APPROPRIATIONS COMMITTEE.

LEGISLATION VETOED

jury duty exemption; cognitive disability (NOW: applicability; self-defense) (S.B. 1166) – VETOED

Applies, retroactively, specified statutory changes relating to justification defenses to all cases in which the defendant did not plead guilty or no contest that were submitted to the fact finder after April 24, 2006. States that the Legislature intended to make Laws 2006, Chapter 199, effective retroactively to all cases in which the defendant did not plead guilty or no contest in cases that were pending at the time it was signed into law by the Governor on April 24, 2006, regardless of when the conduct underlying the charges occurred.

The Governor indicates in her veto message that proponents of S.B. 1166 underestimated the number of cases that would have to be retried and that a retrial of a serious criminal would force the victims of the crime to again relive their experience. Further, the Governor states that the bill raises equal protection concerns because it unfairly differentiates between defendants who entered into plea agreements and those who did not. The Governor states that it is important when the Legislature intends for a bill to be applied retroactively, it make that intent evident at the time it passes legislation.

sex offenders; monitoring; probation (S.B. 1228) – VETOED

Limits mandatory global position system (GPS) monitoring to persons convicted of a dangerous crime against children to persons categorized as level 3 sex offenders who are on probation. Exempts probationers who are confined to a correctional facility, detention facility or residential treatment center.

In her veto message, the Governor states that she is not prepared to narrow the categories of persons subject to GPS monitoring until presented with more compelling evidence that doing so will not be harmful to children. The Governor indicates that she would like to wait until the work of the Joint Legislative Study Committee on GPS Monitoring is complete before limiting the scope of GPS monitoring.

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criminal appeal rights (NOW: consular cards; valid identification; prohibition) (S.B. 1236) – VETOED

Restricts this state or any of its political subdivisions from accepting a consular identification card issued by a foreign government as a valid form of identification.

In her veto letter, the Governor indicates S.B. 1236 inhibits Arizona law enforcement officers' ability to confirm the identities of foreign nationals. Additionally, the letter stipulates that this may further encourage foreign nationals to try to obtain forged documents, including social security cards.

deadly weapons; storage (S.B. 1251) – VETOED

Authorizes the operator of a public establishment (operator) or a sponsor of a public event (sponsor) to request that a person who is carrying a deadly weapon remove the weapon only if the operator or sponsor provides temporary and secure storage for the weapon. Establishes storage procedures. Stipulates that the fee for a concealed carry weapons (CCW) permit may not exceed \$65, and specifies that peace officers may carry firearms if they are in compliance with the Arizona Peace Officer Standards and Training Board.

In her veto message, the Governor states that the current weapons storage laws have been successfully implemented and it is too soon to consider changes. She also expresses that it is unwise to cap the fee charged by the Department of Public Safety (DPS) for a CCW permit because DPS must be able to charge a fee to cover the costs of running background checks. However, the Governor indicates that she supports clarifying the rights of qualified peace officers to carry weapons, and she suggests that the Legislature pass this legislation next session.

misconduct involving weapons; exception. (S.B. 1301) – VETOED

Exempts a person from the offense of misconduct involving a deadly weapon relating to knowingly carrying a concealed weapon without a concealed carry weapons (CCW) permit if any of the following apply: 1) any portion of the weapon or the holster, case or scabbard in which the weapon is carried is visible; 2) a person is on any real property that the person wholly or partially rents, including any common areas; 3) a person is in or on a means of transportation while at the person's dwelling, on the person's business premises or on any real property that the person wholly or partially owns, leases or rents, including common areas.

The Governor indicates in her veto message that she objects to the section of the bill that would allow weapons to be carried without a CCW permit if any portion of the weapon is visible. She states that a small corner of the handle of a gun may be insufficient to reasonably notify the public and law enforcement that a person is armed. The Governor also states that gun owners should get a permit in order to carry concealed weapons in common areas of buildings, and expresses that it is not in the best interest of Arizonans to allow persons who have not met the qualification requirements for a CCW permit to carry concealed weapons in office parking lots or other common areas.

self-defense; home protection; applicability (S.B. 1302) – VETOED

An emergency measure that applies, retroactively, specified statutory changes relating to justification defenses that were enacted as an emergency measure in 2006 to all cases pending at the

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time the changes were enacted. States that the Legislature intended to make Laws 2006, Chapter 199, effective to all cases pending at the time it was signed into law by the Governor on April 24, 2006.

The Governor indicates in her veto message that S.B. 1302 would lead to the reopening of a large number of cases, including routine cases in which a criminal has already pled guilty. The Governor also indicates that victims' rights groups have stated that it is unfair to crime victims to reopen cases where a criminal has already pled guilty.

~~criminal justice commission; membership~~ (NOW: homestead exemption; sign display; solar) (S.B. 1330) – VETOED

Applies the homestead exemption to homeowners' association (HOA) liens, prohibits an HOA from banning for-sale signs or solar energy devices and establishes that the personal property exemption includes monies from the cash surrender value of life insurance policies that have been owned for at least two years and name a trust as the beneficiary.

In her veto letter, the Governor indicates that S.B. 1330 violates the single subject rule.

misconduct involving weapons; classification. (S.B. 1629) – VETOED

Lowers the penalty for a violation of carrying a concealed deadly weapon without a concealed carry weapons (CCW) permit from a class 1 misdemeanor to a petty offense, unless it occurs in the commission or attempted commission of a serious offense or violent crime, in which case it is a class 6 felony, or if it occurs in the commission of any other felony offense, in which case it remains a class 1 misdemeanor. Prohibits the forfeiture of a weapon from a person convicted of a petty offense for carrying a concealed weapon without a CCW permit and allows a peace officer to carry a firearm, with specified exceptions, if the officer is in compliance with the Arizona Peace Officer Standards and Training Board.

The Governor states in her veto message that lawful gun owners who wish to carry concealed weapons should comply with laws regarding CCW permits. She states that serious criminals often carry concealed weapons without the required permit, and she expresses concern that without tough penalties against such persons, law enforcement would be deprived of an important tool. The Governor concludes that the current penalties help keep citizens and law enforcement officers safe and that relaxing the penalties is not in the best interest of Arizona.

election law revisions (H.B. 2403) – VETOED

Changes the primary and general special election dates for a vacancy in the office of United States senator or representative. Changes early ballot registration, delivery of early ballots and procedures upon receipt of an insufficient early ballot affidavit. Requires presidential preference election ballots to be tabulated by counties rather than congressional districts. Removes the Secretary of State's requirement to return each computer election program tape or disc or any other material to the county, city or town within six months after an election. Establishes procedural requirements for political committees.

The Governor indicates in her veto message that she disagrees with the portion of H.B. 2403 that would have extended Arizona's time period for special elections to fill congressional vacancies

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to between 170 and 184 days and that such a time period is too long for Arizonans to go without congressional representation.

criminal trespass; day laborers (H.B. 2589) – VETOED

Prohibits persons 18 years of age or older from soliciting employment for themselves or others while standing or remaining unlawfully on either: 1) any public highway, public street or adjacent public property and disrupting vehicle or pedestrian traffic or 2) any private property if there is reasonable notice prohibiting entry or after a reasonable request to leave has been made by the owner or any other person having lawful control over the property.

The Governor indicates in her veto message that H.B. 2589 is vague, overbroad and discriminatory. The Governor states that she recognizes the need to stop unlawful employment practices that fuel demand for illegal immigration; however, working Arizonans willing to “pound the pavement” to find lawful work should not be subject to criminal penalties. The Governor also expresses concern that H.B. 2589 would be found unconstitutional as it allows such solicitations by persons under 18 years of age and notes that there is no rational basis for discriminating on the basis of age for this type of conduct.